

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bruce K. Jankowski, et al  
Serial No: To Be Assigned Filed: Concurrently Herewith  
Examiner: To Be Assigned Group Art Unit: To Be Assigned  
For: **VACUUM ASSISTED SURGICAL STAPLER**

Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R.**  
**1.97 (c)**

Sir:

In accordance with Applicant's duty of disclosure under 37 C.F.R. §1.56, the information listed in the attached PTO-1449 form is brought to the attention of the Examiner. A copy of PCT International Search Report for International Application No. PCT/US2003/041068 is submitted herewith. Copies of the cited U.S. patents (US5839639A, US5119983A, 6241140B1, 6083241A, US5915616A, and US4350160A) are not provided pursuant to the waiver of this requirement under 37 C.F.R. §1.98 for national applications filed after June 30, 2003. The foreign reference (WO 03/053255) is submitted herewith.

It is respectfully requested that the reference(s) cited with Form PTO-1449 herewith be considered during Examination of the above-identified application and made of record therein. This submission is believed to be in compliance with 37 C.F.R. §1.97 and 37 C.F.R. §1.98.

The citation of the listed item(s) is not a representation that it constitutes a complete or exhaustive listing of prior art or that it constitutes prior art. The item(s) listed is/are submitted in good faith, but is/are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner, it will assist the Examiner in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

(X) This information disclosure statement is being filed within three (3) months of the filing date of this application.

10/540197  
JC09 Rec'd PCT/PTO 20 JUN 2005

(X) This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application.

( ) To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action in connection with this case.

( ) Enclosed is a certificate under 37 C.F.R. §1.97 (e)(i).

( ) Enclosed is a petition under 37 C.F.R. §1.97 (d)

( ) Please charge the petition fee of \$130.00 required under 37 C.F.R. §1.17 (i)(1) to Deposit Account No. 21-0550.

( ) As set forth in 37 C.F.R. §1.97 (c), to the best of Applicant(s) knowledge, this information disclosure statement is being filed before either the mailing of a final action under 37 C.F.R. §1.113 or the mailing of a notice of allowance under 37 C.F.R. §1.113, and is accompanied by the \$240.00 fee as provided for in 37 C.F.R. §1.17(p).

( ) As set forth in 37 C.F.R. 1.97 (e) (1): That each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

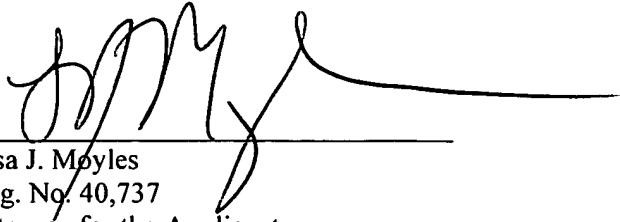
( ) Please charge the \$240.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.

(X) Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 37 C.F.R. §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend time as required and charge Deposit Account No. 21-0550 therefore **TWO COPIES OF THIS SHEET ARE  
ENCLOSED**.

Early and favorable consideration of the case is respectfully requested.

Dated:

6/20/2005

  
Lisa J. Moyles  
Reg. No. 40,737  
Attorney for the Applicants

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO		<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	To Be Assigned
		Filing Date	Concurrently Herewith
		First Named Inventor	Bruce Jankowski
		Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Sheet	1	of	2
		Attorney Docket Number	2884 (203-3592PCTUS)

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/08B (10-01)

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Substitute for form 1449B/PTO		<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application Number	To Be Assigned
<i>(use as many sheets as necessary)</i>		Filing Date	Concurrently Herewith
		First Named Inventor	David McMurray Garrison, et al
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Sheet	2	of	2
		Attorney Docket Number	2860 (203-3387PCTUS)

#### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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